IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 96 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AFSANABANU IQBALHUSEN MANIYAR

Versus

RAVJIBHAI SAMAT AHIR

Appearance:

1. Misc.Civil Application No. 96 of 2001

MR SHAKEEL A QURESHI for Petitioner No. 1-4

RULE SERVED BY DS for Respondent No. 1-2

DS AFF.NOT FILED (R) for Respondent No. 3

SERVED BY RPAD - (R) for Respondent No. 4

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 20/06/2003

ORAL JUDGEMENT

1. Mr. S.A. Qureshi, learned advocate for the petitioners states that he wants to delete the respondent no. 3 from the cause title of the application. Accordingly, respondent no. 3 is delted from the cause title of this petition.

2. This application is filed with a prayer that this Court may transfer Motor Accident Claim Petition No. 486 of 1990 from Motor Accident Claims Tribunal, at Palanpur to Motor Accident Claims Tribunal, Kachchh at Bhuj. It may be noted that in this case the accident has occurred on 9-6-1990 wherein the husband of the petitioner no. 1 Iqbalhusen aged 29 years has died and therefore petitioners have filed above claim petition somewhere in the year 1990.

3. Learned advocate for the petitioners submitted that on 14-11-1994 the Motor Vehicles Act came to be amended and by way of said amendment, it was left open for the claimant/s to choose the Tribunal. In view of the same, he has submitted that the petitioners are entitled to get transferred M.A.C.P. No. 486 of 1990 as per their choice from Motor Accident Claims Tribunal at Palanpur to Motor Accident Claims Tribunal, Kachchh at Bhuj because the petitioners are residing at Bhuj.

4. In view of the averments made in the application and in view of the amendment in the Motor Vehicles Act, this application is allowed and Motor Accident Claim Petition No. 486 of 1990 pending before the Motor Accident Claims Tribunal, at Palanpur is directed to be transferred to Motor Accident Claims Tribunal, Kachchh at Bhuj for hearing and final disposal. It may be noted that in this case the accident has occurred in the year 1990 and in said accident deceased Iqbalhusen husband of the petitioner no. 1 who was 29 years has died. In view of these peculair facts, Motor Accident Tribunal, Kachchh at Bhuj is requested to decide and dispose of above Motor Accident Claim Petition filed by the petitioners, as early as possible preferably on or before 31st December, 2003. Rule is made absolute to the aforesaid extent, with no order as to costs.

(K.M. Mehta, J.)

/JVSatwara/